

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MAY 10, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, May 10, 2011 at 4:03 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable C. T. Martin
The Honorable Keisha Lance Bottoms
The Honorable Alex Wan
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd**

Others present at the meeting were: Deputy City Attorney Eric Richardson, Peter Andrews, Dianne Mitchell and Amber Robinson, Law Department; Deputy Chiefs Shawn Jones, E. Renee Propes and Calvin Moss, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Karen Rogers, Office of the Weed and Seed; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 4:03 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**

CONSENT

- C. RESOLUTIONS**

Claims with favorable recommendations:

- 11-R-0711 (1) Claim of **Julie Norris, through her attorney, Marko L. Bugar (APD/02)**, for personal injuries alleged to have been sustained as a result of being struck by a city vehicle in a pedestrian crosswalk on March 28, 2010 at Elizabeth Street, NE and N. Highland Avenue, NE. **\$25,000.00**
- (1-ABSTENTION) ADREAN**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0712 (2) Claim of **Toya Patterson Individually, and on behalf of her minor children, Barbara, D'Tavius and Devontavius Patterson, through their attorney, Daniel J. Grossman, Attorney at Law (APD/01)**, for damages alleged to have been sustained due to the violation of claimants' civil rights on August 29, 2010 at 700 Thomasville Boulevard, SE.
\$12,000.00
- 11-R-0713 (3) Claim of **Alden House Condominium Association (DWM/08)**, for damages alleged to have been sustained as a result of a damaged storm line beginning in November 2009, at 100 Alden Avenue.
\$7,250.00
- 11-R-0714 (4) Claim of **Keshua Zeigler, through her attorney, James J. Kelleher (DWM/01)**, for damages alleged to have been sustained as a result of a trip and fall incident on an uncovered water meter on June 23, 2010 at 1767 Richmond Avenue, SE.
\$7,000.00
- 11-R-0715 (5) Claim of **Karimah Rasheed, through her attorney, Michael E. Norman (DWM/03)**, for damages alleged to have been sustained as a result of a trip and fall incident on an uncovered water valve on July 1, 2010 at 117 Martin Luther King, Jr. Drive.
\$6,000.00
- 11-R-0716 (6) Claim of **Fulton County Government (APD/04)**, for vehicular damages alleged to have been sustained from an automobile accident on November 3, 2009 at Lee Street, SW and Donnelly Avenue, SW.
\$5,675.00
- 11-R-0717 (7) Claim of **State Farm Insurance Companies, as subrogee of Mark Miller (DWM/02)**, for damages alleged to have been sustained as a result of a vehicular accident on January 29, 2011 at Interstate 75 South at Fulton Street.
\$5,033.13

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0718 (8) Claim of **William Ready, through his attorney, Boyd B. Newton (APD/09)**, for damages alleged to have been sustained as a result of an automobile accident on October 6, 2010 at I-75 NB at Howell Mill Road, NW. **\$4,498.41**
- 11-R-0719 (9) Claim of **Nationwide Insurance, as subrogee of Keandra Huff (APD/05)**, for damages alleged to have been sustained as a result of an automobile accident on December 9, 2010 at Montgomery Street, NE and Hosea L. Williams Drive, NE. **\$2,211.26**
- 11-R-0720 (10) Claim of **HADP Architecture, Inc. (DWM/07)**, for damages alleged to have been sustained as a result of a sewer backup on November 17-19, 2010 at 2722 Piedmont Road. **\$2,149.00**
- 11-R-0721 (11) Claim of **Sentry Insurance, as subrogee of Margaret W. Richardson (DPW/11)**, for damages alleged to have been sustained to a fence as a result of a vehicle accident on January 31, 2011 at 2901 Clearwater Trail. **\$1,916.69**
- 11-R-0722 (12) Claim of **Norris Duffey (DWM/01)**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on December 24, 2009 at 993 Hank Aaron Drive. **\$1,700.00**
- 11-R-0723 (13) Claim of **Mary J. Liggins (APD/10)**, for damages alleged to have been sustained as a result of an automobile accident on December 10, 2010 at Ralph D. Abernathy Boulevard and W. Whitehall Street. **\$1,610.00**
- 11-R-0724 (14) Claim of **April L. Luna (DPRCA/02)**, for damages alleged to have been sustained when a rock was thrown from a riding lawn mower on November 22, 2010 at Freedom Parkway, NE and Seminole Avenue, NE. **\$1,395.90**
- 11-R-0725 (15) Claim of **Tameka Pound (DPW/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on January 24, 2011 at 4690 Hammermill Road, Tucker. **\$1,194.71**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0726 (16) Claim of **Carlos Casarrubias Solano and Jenn Casarrubias Solano (DPW/03)**, for damages alleged to have been sustained as a result of a vehicle being struck by a Herbie – Curbie during the weekly Garbage Collection on December 13, 2010 at 284 16th Street. **\$776.15**
- 11-R-0727 (17) Claim of **Kerry Lino (DPW/02)**, for damages alleged to have been sustained as a result of driving over a pothole on February 9, 2011 at 1080 Spring Street. **\$717.94**
- 11-R-0728 (18) Claim of **Likeena Pye, on behalf of her minor child, Tobias Moses, through their attorney, C. F. Spence, Esq., Foy & Associates (APD/09)**, for bodily injuries alleged to have been sustained from an automobile accident on May 8, 2010 at Browntown Road, NW and James Jackson Parkway, NW. **\$617.00**

Claims with unfavorable recommendations:

- 11-R-0729 (19) Claim of **Debra Blanding (NA/02)**, for damages alleged to have been sustained as a result of a slip and fall due to an ice patch on December 15, 2010 at 646 West Peachtree Street, North Avenue MARTA Station.
- 11-R-0730 (20) Claim of **Patrick Sutton (NA/03)**, for damages alleged to have been sustained as a result of an automobile theft at 1139 North Avenue on October 13, 2010.
- 11-R-0731 (21) Claim of **Yolanda Sherrell (NA/04)**, for damages alleged to have been sustained as a result of driving over a pothole on an unspecified date at 990 Metropolitan Parkway.
- 11-R-0732 (22) Claim of **Loretta Hamler (NA/09)**, for damages alleged to have been sustained as a result of striking a pothole on February 28, 2011 at I-285 entrance ramp at Bolton Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0733 (23) Claim of **Holy Temple Baptist Church (AFR/05)**, for damages alleged to have been sustained as a result of the construction of a Fire Rescue Station in March 2009 at 1206 Metropolitan Avenue.
- 11-R-0734 (24) Claim of **Teeordieia Medea, through her attorney, Timothy I. McEwing (DPW/03)**, for damages alleged to have been sustained as a result of an automobile accident on October 14, 2009 at Northside Drive, NW and Longwood, NW.
- 11-R-0735 (25) Claim of **Jennifer Barber (DWM/NA)**, for damages alleged to have been sustained as a result of driving over a damaged water valve on August 27, 2010 at Highway 29 at Bishop Road, Fairburn.
- 11-R-0736 (26) Claim of **Craig Commodore (DWM/NA)**, for damages alleged to have been sustained as a result of an automobile accident on August 17, 2010 at Georgia Highway 70 and Mendel Drive, Fulton County.
- 11-R-0737 (27) Claim of **English Colony, LLC, through its attorney, Mary Prebula (DWM/11)**, for damages alleged to have been sustained as a result of excessive water account charges beginning in August 2007 at 3350 Mt. Gilead Road.
(Councilmember Bond made a motion to approve Items C1-C27)

FAVORABLE

D. ORDINANCE FOR FIRST READING

- 11-O-0739 (1) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept a sub-grant from the Department of Homeland Security (DHS) for the purpose of providing maintenance of specialized technical rescue equipment on behalf of the Department of Fire Rescue, and to amend the 2011 (Intergovernmental Grant Fund) Department of Fire Budget, by adding to anticipations and appropriations in the amount of \$20,000.00; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. ORDINANCES FOR SECOND READING

- 11-O-0615 (1) A **Substitute** Ordinance by Public Safety and Legal Administration Committee **as amended**, amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$125,000.00 due to modifications in grant funds from the White House Office of National Drug Control Policy ("ONDCP") for the continuation of the High Intensity Drug Trafficking Area ("HIDTA") Task Force and continued disruption of drug trafficking organizations; and for other purposes.
(Councilmember Young made a motion to approve on substitute as amended.)

FAVORABLE ON SUBSTITUTE AS AMENDED

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F. RESOLUTIONS

- 11-R-0738 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Mayor's Office of Weed and Seed, in collaboration with the Atlanta Police Department, to apply for and accept funding in the amount of up to \$2,000,200.00 from the Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency for Project Atlas (Atlanta's Anti-Violence Strategy) Project; and for other purposes.
(Councilmember Martin made a motion to approve)

FAVORABLE

- 11-R-0772 (2) A Resolution By Councilmembers Michael J. Bond And Ivory Lee Young, Jr. to amend the Contract With U. K. - Lasalle LLC, (An entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes.
(Councilmember Martin made a motion to hold.)

HELD

G. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis as substituted by Public Safety and Legal Administration Committee amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**
- 10-R-0855 (5) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review)**
- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-C-0451 (13) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding the Municipal Court Operations. **(Public Safety and Legal Administration and Finance/Executive Committees held a Joint Work Session 4/22/11)**
(Councilmember Adrean made a motion to accept.)

ACCEPTED (4 YEAS) YOUNG, ADREAN, SHEPERD, LANCE BOTTOMS (2 ABSTENTION) BOND, MARTIN

- 11-R-0535 (14) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes. **(Held 3/29/11 for further discussions)**

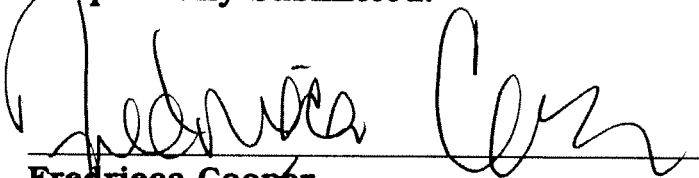
H. FOLLOW-UP ITEM

1. Councilmember Young requested that David Bennett make a report to the committee relating to the Vending contract at each committee meeting.

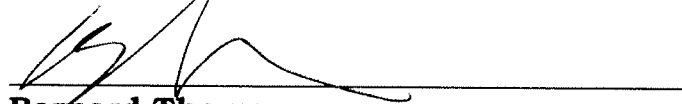
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There being no further business to come before the Committee, the meeting was adjourned at 5:45 p.m.

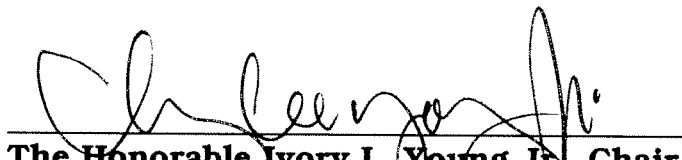
Respectfully Submitted:



Frederica Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee